

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

STATE OF FLORIDA,

Plaintiff,

v.

No. 0:23-cv-61188

MIGUEL CARDONA, in his official
capacity as Secretary of Education, *et al.*,

Defendants.

DECLARATION OF CHRISTOPHER MILLER

I, Christopher Miller, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct to the best of my knowledge, and that the statements made herein are based on my personal knowledge or information provided to me in my official capacity:

POSITION AND JOB RESPONSIBILITIES

1. I am the Director of the Atlanta School Participation Division (“Atlanta SPD”), School Eligibility and Oversight Service Group, Federal Student Aid (“FSA”), U.S. Department of Education (“Department”). I have held this position since March 2014.
2. As the Director of the Atlanta SPD, I oversee a group of eligibility, audit resolution, and institutional review specialists responsible for evaluating the eligibility of institutions of higher education in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina to participate in student assistance programs under Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 *et seq.* (“Title IV”), and for monitoring compliance by eligible and participating institutions with the requirements of the Department’s institutional eligibility and student assistance regulations under 34 C.F.R. Parts 600 and 668.
3. Since January 2023, of the 89 Florida public postsecondary institutions eligible to participate in Title IV, only eight thus far have submitted to the Atlanta SPD requests for approval to change accrediting agencies. These institutions are: College of the Florida Keys (“Florida Keys”); College of Central Florida; University of Central Florida; Florida SouthWestern State College (“Florida SouthWestern”); Florida Polytechnic University; Chipola College; Palm Beach State College; and Hillsborough Community College.

4. On August 18, 2023, the Atlanta SPD sent a letter to Florida SouthWestern communicating the Department's determination that there is reasonable cause for it to change its accrediting agency from the Southern Association of Colleges and Schools Commission on Colleges to the Higher Learning Commission. A true and correct copy of the letter to Florida SouthWestern, signed by me, is attached to this declaration as Attachment 1.

5. On September 6, 2023, the Atlanta SPD sent a letter to Florida Keys communicating the Department's determination that there is reasonable cause for Florida Keys to change its accrediting agency from the Southern Association of Colleges and Schools Commission on Colleges to the Higher Learning Commission. A true and correct copy of the letter to Florida Keys, signed by me, is attached to this declaration as Attachment 2.

6. The requests from College of Central Florida, University of Central Florida, Florida Polytechnic University, Chipola College, Palm Beach State College, and Hillsborough Community College are currently under internal review by the Atlanta SPD.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on this 20th Day of September 2023.



Christopher Miller
Director
U.S. Department of Education
Federal Student Aid
School Eligibility and Oversight Group
Atlanta School Participation Division

**DECLARATION OF CHRISTOPHER MILLER
ATTACHMENT 1**



August 18, 2023

Dr. Jeffery S. Allbritten
President
Florida SouthWestern State College
8099 College Parkway
Fort Myers, FL 33919-5566

sent via email to: jallbritten@fsw.edu

Re: **Reasonable Cause Determination for Changing Accrediting Agencies--Florida SouthWestern State College (OPE ID: 00147700)**

Dear President Allbritten:

The U.S. Department of Education, Office of Federal Student Aid ("Department") has conducted a Reasonable Cause Determination for Florida SouthWestern State College's ("FSWSC") request to change accrediting agencies as required by section 496(h) of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1099b(h). FSWSC is currently accredited by the Southern Association of Colleges and Schools Commission on Colleges ("SACSCOC") and seeks to change its institutional accrediting agency to the Higher Learning Commission ("HLC").

As described more fully below, the Department has determined that FSWSC has established reasonable cause to change its institutional accrediting agency to HLC.

Background on Reasonable Cause Determination Process

Under 20 U.S.C. § 1099b(h), an institution seeking to change accrediting agencies or maintain institutional accreditation by multiple agencies must first receive approval from the Department. The Department provides such approval if it determines there is a reasonable cause for the change or accreditation by more than one agency. *See* 34 C.F.R. § 600.11(a)-(b). Without approval, the Department will be unable to recognize the accreditation or preaccreditation of the institution while in the process of changing agencies or maintaining accreditation by multiple agencies. *See* 34 C.F.R. § 600.11(a)-(b). This can result in the institution being ineligible for Title IV funding. To avoid a loss of eligibility, an institution must provide the required information and obtain Department approval prior to submitting an application to a new accrediting agency.

This requirement helps prevent an erosion of accrediting agency standards and provides critical protections for students and taxpayers by ensuring that institutions do not switch accrediting agencies simply to evade accountability, avoid open inquiries, or seek approval from an agency with less rigorous standards.

Florida SouthWestern State College

OPE ID: 00147700

Page 2 of 6

Upon receiving a submission of information from an institution, the Department engages in an analysis of the reasons provided to determine if there is reasonable cause for the change in accreditation or multiple accreditation. In evaluating reasonable cause, the Department considers the institution's history of compliance, past accrediting agency action, open inquiries, and the rationale provided. A further listing of the factors the Department considers are explained in Section II.

As required by 34 C.F.R § 600.11(a)(1), an institution wishing to change accrediting agencies must submit documents and materials related to its current accreditation or preaccreditation, and all materials demonstrating reasonable cause for such change. If an institution has not been subject to negative action by its current accrediting agency over the past 24 months, the Department will review the specific circumstances of the institution to determine if there is reasonable cause. The Department cannot find reasonable cause if an institution has had its accreditation "withdrawn, revoked, or otherwise terminated for cause" (and not been rescinded by the agency) or has been subject to a "probation or equivalent, show cause order, or suspension order" within the past twenty-four months, unless the agency did not provide the institution the required due process, the agency applied its standards inconsistently or failed to respect the institution's mission. *See* 34 C.F.R. § 600.11(a)(1)(ii) and (a)(2).

I. INFORMATION RECEIVED BY THE DEPARTMENT

In an Electronic Announcement published on August 15, 2016, the Department issued guidance, which reminded institutions of the requirements for seeking the Department's approval of a change of accrediting agency, including the documentation an institution must submit to the Department in support of this request. The Department also specified the procedures for submitting such documentation. This guidance was updated by the Department on July 19, 2022, and again on September 26, 2022. *See* Dear Colleague Letter ("DCL") GEN-22-10 and DCL GEN-22-11. The updated guidance also specifically addresses multiple accreditation.

As directed by this guidance, FSWSC submitted a notification of its intent to change its accrediting agency from SACSCOC to HLC. FSWSC submitted a notification letter dated January 9, 2023, providing a letter advising its intent to be in compliance with Florida Statutes 1008.47, using this change in state regulations as an "opportunity to review the merits of its current accreditation and explore the benefits of seeking accreditation from another agency." Based on its research in relation to accreditors, FSWSC concluded that "HLC has demonstrated an excellent commitment to promoting institutional quality and high academic standards, with a clear commitment to student outcomes."

On May 23, 2023, the Department sent a letter to FSWSC to request additional information to support its request to change accrediting agencies. Specifically, it asked FSWSC to identify any reasons other than FS 1008.47 that it might have for making the change, to explain how a change to HLC might maintain or strengthen institutional quality, how HLC's standards align with FSWSC's mission, and why it was seeking new accreditation now, more than four years before its midpoint point review with SACSCOC. The letter also requested all communications with the Florida Department of Education ("FDE") regarding its role in the accreditor selection

Florida SouthWestern State College
OPE ID: 00147700
Page 3 of 6

process, communications with SACSCOC since its last reaffirmation of accreditation, and all substantive correspondence or communications with HLC.

Following the Department's May 23, 2023 letter, FSWSC submitted responsive documents and additional information on June 20, 2023, including a cover letter dated June 11, 2023 which provides additional information about its request to change accrediting agencies. This information is discussed below in Section II.B.

The following is a listing of the documents and correspondence submitted by FSWSC in support of its request:

- June 30, 2022 - SACSCOC reaffirmed FSWSC accreditation until 2032. No conditions, limitations, monitoring, or additional reporting were imposed, other than the agency's standard requirement that a summary of the institution's Quality Enhancement Plan be submitted by August 15, 2022, with a report thereon to be submitted as part of the institution's mid cycle review.
- August 15, 2022 (approximately)—FSWSC's Quality Enhancement Plan submitted
- October 18, 2022—Approval from SACSCOC for emergency temporary relocation of instruction from main campus to distance education based on Hurricane Ian effective from October 12, 2022 through December 13, 2022
- March 31, 2023 (approximately)—Quarterly Report from FSWSC to FDE for the period January through March 2023 (includes a chronology of steps taken toward new accreditation)

Subsequent to FSWSC's June 20, 2023 submission, and in response to the Department's further inquiries, FSWSC confirmed that the above documents are the only documents responsive to the Department's May 23, 2023 request.

II. DEPARTMENT'S REASONABLE CAUSE DETERMINATION

The Department must make a reasonable cause determination regarding an institution's request to change accrediting agencies or obtain multiple accreditation as required by 34 C.F.R. § 600.11. To make this determination, the Department engages in a review of the specific circumstances of the institution and its current and proposed accreditation. The Department must first determine if the institution has been the subject of any negative actions by its current accrediting agency over the past 24 months. *See* 34 C.F.R. § 600.11(a)(1)(ii)(A)-(B) and (b)(2)(i)(A)-(B). If the institution has been subject to a negative action, there can be no finding of reasonable cause unless an exception has been met. *See* 34 C.F.R. § 600.11(a)(2), (b)(2)(ii). If the institution has not been subject to a negative action or meets an exception, the Department then examines an institution's specific circumstances, including consideration of additional factors (as relevant to the institution), to determine if there is reasonable cause to change accrediting agencies.

Florida SouthWestern State College
OPE ID: 00147700
Page 4 of 6

A. Institution's Status with its Current Accrediting Agency

Based on the information provided to the Department, FSWSC has not been the subject of any of the negative actions identified in 34 C.F.R. § 600.11(a)(1)(ii)(A).

B. Additional Factors for Consideration

As described in the Department's "Reasonable Cause" DCL GEN-22-10, the Department may consider factors such as:

- Whether the proposed change or multiple accreditation involves an accrediting agency that has been subject to Department action;
- The institution's history of past compliance with the requirements of its accrediting agency, the Department, and other oversight agencies;
- Whether the proposed change or multiple accreditation would strengthen institutional quality;
- Whether the new agency and its standards are more closely aligned with the institution's mission than the current agency;
- Whether the institution is seeking the change or multiple accreditation to lessen oversight or rigor, evade inquiries or sanctions, or the risk of inquiries or sanctions by its existing accrediting agency;
- Whether there is any indication the request to change agencies or have multiple accreditation is motivated by the institution's weak or deteriorating financial condition, or a desire to move to an agency with less rigorous financial standards;
- Whether, if the decision is approved by the Department and the accrediting agency, the institution's membership would be voluntary, as required for recognition of the accrediting agency under 34 C.F.R. § 602.14(a); and
- Other reasons stated by the institution for the proposed change or multiple accreditation and other information about the institution available to the Department.

In its January 9, 2023 notification letter, FSWSC identified the Department's recent regulatory change eliminating the distinction between regional and national accrediting agencies, as well as FS 1008.47, as its rationale for the requested change. The school further explained that its choice of HLC was based on its view that the agency was committed to "institutional quality and high academic standards, with a clear commitment to student outcomes." FSWSC also considers the ability to change accrediting agencies as providing "an opportunity for further self-examination, academic innovation and renewed attention to excellence in student outcomes."¹

¹ By including these statements, the Department does not intend to convey any conclusions by the Department about the quality of either HLC's or SACSCOC's accreditation standards or performance.

Florida SouthWestern State College
OPE ID: 00147700
Page 5 of 6

In its June 11, 2023 letter, FSWSC explained that although FDE recommended three accrediting agencies as "best fit" agencies, the institution understood that it could have explored other recognized agencies. FSWSC explained that it did review other "nationwide options ... considering opportunities for meaningful self-assessment and growth" and after discussions with other Florida institutions, it selected HLC as the "best fit."

FSWSC also explained that it believed that working with a new accrediting agency would provide an opportunity for "new lenses by which to enhance continued pedagogical inquiry and self-examination," which will "strengthen the institutional quality and enhance [its mission]." In response to the Department's inquiry why the institution was seeking to change its accrediting agency more than four years before its next midpoint review with SACSCOC, FSWSC explained that it would be eligible to go through HLC's Accelerated Process because of its recent decennial reaffirmation with SACSCOC, and that changing now would allow the institution to transition "seamlessly," without "any lapse or redundancy in accreditation status, while still assuring rigor and protection for student success."

Based on the reasons FSWSC has given for the change, the documentation provided by FSWSC , the consideration of the above listed factors, and the absence of any factor suggesting that FSWSC's request to change to HLC is not reasonable, the Department is satisfied that FSWSC is not seeking to change accrediting agencies to lessen oversight or rigor, evade inquiries or sanctions or risk the inquiries or sanctions by its current accrediting agency. The Department is also satisfied that FSWSC's membership in HLC would be voluntary as required by 34 C.F.R. § 602.14(a), subject to HLC's consideration of the same issue. The Department has determined there is reasonable cause for FSWSC to change to HLC as its institutional accrediting agency.

III. NEXT STEPS

Once FSWSC has secured accreditation or, preaccreditation by an agency that is recognized by the Department to grant preaccreditation status, by HLC, FSWSC must use the electronic *Application for Approval to Participation in the Federal Student Financial Aid Programs* (E-App) at eligcert.ed.gov to notify the Department. FSWSC must select the application purpose of "Update Information," and further select the specific update purpose of "Accrediting Agency." In Section B, Question 15, of the application, select the "Click here to add an accreditor" link. Click the drop-down menu to display the list of choices and select the listing that corresponds to The Higher Learning Commission. Then enter the year that Higher Learning Commission granted initial accreditation and indicate for how many years the accreditation is granted. Then place a check-mark in the primary accreditor box and Institution-wide Accreditor radio button. Additionally, submit The Higher Learning Commission's approval letter as part of the supporting documentation provided to the Department through the E-App process. Please also submit a copy of this reasonable cause determination letter.

Note: An institution that is seeking to change accrediting agencies should not withdraw from its current accreditation until after the new agency has granted accreditation to the institution, and the Department has provided written notice that it acknowledges the new accrediting agency as the institution's primary accrediting agency or the multiple accreditation. When an institution

Florida SouthWestern State College
OPE ID: 00147700
Page 6 of 6

maintains multiple accreditation, an institution may not change its primary accrediting agency to a secondary agency, or withdraw from accreditation from the primary agency without submitting a request for a new reasonable cause determination regarding that change.

Failure to comply with these procedures may result in the institution's accreditation status not being recognized by the Secretary and could result in a loss of Title IV eligibility.

If you have any questions, please send your questions to kathy.feith@ed.gov.

Sincerely,



Christopher Miller
Division Chief
Atlanta School Participation & Financial Analysis Division

Southern Association of Colleges and Schools Commission on Colleges (SACSCOC)
The Higher Learning Commission (HLC)
Florida Department of Education, Division of Florida Colleges
osd.pentagon.ousd-p-r.mbx.vol-edu-compliance@mail.mil
Incoming.VBAVACO@va.gov
CFPB_ENF_Students@cfpb.gov

**DECLARATION OF CHRISTOPHER MILLER
ATTACHMENT 2**



September 6, 2023

Dr. Jonathan Gueverra
President
The College of the Florida Keys
5901 West College Road
Key West, FL 33040-4397

sent via email to: Jonathan.Gueverra@cfk.edu

Re: Reasonable Cause Determination for Changing Accrediting Agencies--The College of the Florida Keys (OPE ID: 00148500)

Dear President Gueverra:

The U.S. Department of Education, Office of Federal Student Aid ("Department") has conducted a Reasonable Cause Determination for College of the Florida Keys' ("Florida Keys") request to change accrediting agencies as required by section 496(h) of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1099b(h). Florida Keys is currently accredited by The Southern Association of Colleges and Schools Commission on Colleges ("SACSCOC") and seeks to change its institutional accrediting agency to the Higher Learning Commission ("HLC").

As described more fully below, the Department has determined that Florida Keys has established reasonable cause to change its institutional accrediting agency to HLC.

Background on Reasonable Cause Determination Process

Under 20 U.S.C. § 1099b(h), an institution seeking to change accrediting agencies or maintain institutional accreditation by multiple agencies must first receive approval from the Department. The Department provides such approval if it determines there is a reasonable cause for the change or accreditation by more than one agency. *See* 34 C.F.R. § 600.11(a)-(b). Without approval, the Department will be unable to recognize the accreditation or preaccreditation of the institution while in the process of changing agencies or maintaining accreditation by multiple agencies. *See* 34 C.F.R. § 600.11(a)-(b). This can result in the institution being ineligible for Title IV funding. To avoid a loss of eligibility, an institution must provide the required information and obtain Department approval prior to submitting an application to a new accrediting agency.

This requirement helps prevent an erosion of accrediting agency standards and provides critical protections for students and taxpayers by ensuring that institutions do not switch accrediting agencies simply to evade accountability, avoid open inquiries, or seek approval from an agency with less rigorous standards.

The College of the Florida Keys
(OPE ID: 00148500)
Page 2 of 6

Upon receiving a submission of information from an institution, the Department engages in an analysis of the reasons provided to determine if there is reasonable cause for the change in accreditation or multiple accreditation. In evaluating reasonable cause, the Department considers the institution's history of compliance, past accrediting agency action, open inquiries, and the rationale provided. A further listing of the factors the Department considers are explained in Section II.

As required by 34 C.F.R. § 600.11(a)(1), an institution wishing to change accrediting agencies must submit documents and materials related to its current accreditation or preaccreditation, and all materials demonstrating reasonable cause for such change. If an institution has not been subject to negative action by its current accrediting agency over the past 24 months, the Department will review the specific circumstances of the institution to determine if there is reasonable cause. The Department cannot find reasonable cause if an institution has had its accreditation "withdrawn, revoked, or otherwise terminated for cause" (and not been rescinded by the agency) or has been subject to a "probation or equivalent, show cause order, or suspension order" within the past twenty-four months, unless the agency did not provide the institution the required due process, the agency applied its standards inconsistently or failed to respect the institution's mission. *See* 34 C.F.R. § 600.11(a)(1)(ii) and (a)(2).

I. INFORMATION RECEIVED BY THE DEPARTMENT

In an Electronic Announcement published on August 15, 2016, the Department issued guidance, which reminded institutions of the requirements for seeking the Department's approval of a change of accrediting agency, including the documentation an institution must submit to the Department in support of this request. The Department also specified the procedures for submitting such documentation. This guidance was updated by the Department on July 19, 2022, and again on September 26, 2022. *See* Dear Colleague Letter ("DCL") GEN-22-10 and DCL GEN-22-11. The updated guidance also specifically addresses multiple accreditation.

As directed by this guidance, Florida Keys submitted a notification of its intent to change its accrediting agency from SACSCOC to one of the three accrediting agencies identified by the Florida State Board of Education which allowed compliance with Florida Statutes 1008.47 and was considered, "best suited to serve as institutional accreditors for Florida institutions." Florida Keys submitted a notification letter dated October 5, 2022, providing a letter advising its intent to be in compliance with Florida Statutes 1008.47 and identifying the accrediting agencies which were deemed eligible by the Florida State Board of Education for consideration. These three agencies were the Higher Learning Commission, the Middle States Commission on Higher Education, and the Northwest Commission on Colleges and Universities with the institution advising it would take next steps toward pursuing a new accrediting agency subsequent to the Department approving its request to move forward.

On February 1, 2023, the Department sent a letter to Florida Keys to request additional information to support the request to change accreditors. Specifically, it asked Florida Keys to identify any reasons other than FS 1008.47 that it might have for making the change, including its rationale regarding the accreditor change, directing Florida Keys to narrow its potential accreditors to one singular accreditor who they will be seeking accreditation oversight from,

The College of the Florida Keys
(OPE ID: 00148500)
Page 3 of 6

including an explanation of how the potential new accrediting agency would impact the institutional quality or which confirms that its standards are most in alignment with Florida Keys' mission, and why it was seeking new accreditation now, more than four years before its midpoint point review with SACSCOC. The letter also requested all communications with SACSCOC since its last reaffirmation of accreditation, and all substantive correspondence or communications with HLC.

Following the Department's February 1, 2023 letter, Florida Keys submitted responsive documents and additional information on June 27, 2023 (including a cover letter) and August 14, 2023, which provide additional details about its request to change accrediting agencies. This information is discussed below in Section II.B.

- June 30, 2022—SACSCOC reaffirmed Florida Keys accreditation until 2032. No conditions, limitations, monitoring or additional reporting were imposed, other than the agency's standard requirement that a summary of the institution's Quality Enhancement Plan ("QEP") be submitted by August 15, 2022, with a report thereon to be submitted as part of the institution's mid cycle review.
- July 2022—One Page Executive Summary of QEP for new reaffirmation period submitted to SACSCOC to comply with August 15, 2022 deadline
- September 8, 2022—SACSCOC correspondence to Florida Keys regarding the Virtual Verification Follow-Up Visit Report and Summary conducted subsequent to reaffirmation visit September 27-30, 2021. The Reaffirmation Committee Report was approved on August 31, 2022.
- October 17, 2022—SACSCOC approval of two Off-Campus Instructional Sites ("OCIS")
- February 28, 2023—Board of Trustees Board Meeting Minutes which included the Request for Approval for Florida Keys to select HLC as its accrediting agency
- June 9, 2023—Approval from SACSCOC for Closure of one OCIS and approval of new Bachelor's Degree Program

After its receipt of these documents, the Department followed up to inquire whether there were any additional documents, including any documents relating to its accreditation with SACSCOC, or communications with HLC. Florida Keys confirmed to the Department that no additional SACSCOC documents existed, and that representatives of the school had attended HLC's 2023 Annual Conference. Materials provided during the conference (including documents for orientation for first time attendees) were made available to attendees via an online link. Florida Keys emailed these materials to the Department on July 19, 2023.¹

¹ The handout documents from the HLC conference are the following: Agenda with recommended sessions for First-Time Conference Attendees; Roles/Responsibilities of Accreditation Liaison Officers; HLC's role in Assisting Institutions through the accreditation process; Tutorial on Using HLC Assurance System; HLC policies on Faculty Credentialing, including Faculty Role and Qualifications; HLC Accreditation Policy Book, Presentations regarding Criterion 1, 2, and 3 Compliance (Teaching, Learning, Evidence, and Ethical Conduct Standards); and presentation on "Stand Out Leadership."

The College of the Florida Keys
(OPE ID: 00148500)
Page 4 of 6

II. DEPARTMENT'S REASONABLE CAUSE DETERMINATION

The Department must make a reasonable cause determination regarding an institution's request to change accrediting agencies or obtain multiple accreditation as required by 34 C.F.R. § 600.11. To make this determination, the Department engages in a review of the specific circumstances of the institution and its current and proposed accreditation. The Department must first determine if the institution has been the subject of any negative actions by its current accrediting agency over the past 24 months. *See* 34 C.F.R. § 600.11(a)(1)(ii)(A)-(B) and (b)(2)(i)(A)-(B). If the institution has been subject to a negative action, there can be no finding of reasonable cause unless an exception has been met. *See* 34 C.F.R. § 600.11(a)(2), (b)(2)(ii). If the institution has not been subject to a negative action or meets an exception, the Department then examines an institution's specific circumstances, including consideration of additional factors (as relevant to the institution), to determine if there is reasonable cause to change accrediting agencies.

A. Institution's Status with its Current Accrediting Agency

Based on the information provided to the Department, Florida Keys has not been the subject of any of the negative actions identified in 34 C.F.R. § 600.11(a)(1)(ii)(A) or (B).

B. Additional Factors for Consideration

As described in the Department's "Reasonable Cause" DCL GEN-22-10, the Department may consider factors such as:

- Whether the proposed change or multiple accreditation involves an accrediting agency that has been subject to Department action;
- The institution's history of past compliance with the requirements of its accrediting agency, the Department, and other oversight agencies;
- Whether the proposed change or multiple accreditation would strengthen institutional quality;
- Whether the new agency and its standards are more closely aligned with the institution's mission than the current agency;
- Whether the institution is seeking the change or multiple accreditation to lessen oversight or rigor, evade inquiries or sanctions, or the risk of inquiries or sanctions by its existing accrediting agency;
- Whether there is any indication the request to change agencies or have multiple accreditation is motivated by the institution's weak or deteriorating financial condition, or a desire to move to an agency with less rigorous financial standards;

The College of the Florida Keys
(OPE ID: 00148500)
Page 5 of 6

- Whether, if the decision is approved by the Department and the accrediting agency, the institution's membership would be voluntary, as required for recognition of the accrediting agency under 34 C.F.R. § 602.14(a); and
- Other reasons stated by the institution for the proposed change or multiple accreditation and other information about the institution available to the Department.

In its October 5, 2022 notification letter, Florida Keys identified the Department's recent regulatory change eliminating the distinction between regional and national accrediting agencies, as well as FS 1008.47, as its rationale for the requested change. As of the time of this letter, Florida Keys had not yet selected a specific accrediting agency, but advised that it would begin outreach to the three entities which were deemed "best suited" for the institution based on the Florida State Board of Education analysis and in conjunction with FS 1008.47.

In its June 27, 2023 letter, Florida Keys expressed its belief that to remain in compliance with state regulations and ensure it avoided, "simultaneously spending significant time and resources on both an application for accreditation with HLC and preparations for the fifth-year interim report with SACSCOC" it needed to begin pursuing the accreditation change now despite the recent accreditation process being finalized in 2022. Additionally, the institution advised the timing for pursuing the accreditor change would mirror its new five-year strategic plan which went into effect July 1, 2023. As part of the 2023-2028 Strategic Plan, the institution advised it would be expanding and reinforcing co-curricular activities and assessment—both activities that support learning and civic engagement.

The June 27th letter also focused on Florida Keys "multiple institutional types": as a community college offering degrees at the baccalaureate level; as a designated Minority and Hispanic Serving Institution; and geographically, in an isolated and rural area. When it compared SACSCOC, HLC, Middle States Commission on Higher Education ("MSCHE") and Northwest Commission on Colleges and Universities ("NWCCU"), it concluded that HLC accredited "the largest number of community/two-year institutions, the most two-year institutions which offered bachelor's degrees, and a significant number of MSI and HSI." Florida Keys also concluded that HLC's peer review process was "more extensive and carefully prescribed" than its current agency.²

Based on the reasons Florida Keys has given for the change, the documentation provided by Florida Keys, the consideration of the above listed factors, and the absence of any factor suggesting that Florida Keys' request to change to HLC is not reasonable, the Department is satisfied that Florida Keys is not seeking to change accrediting agencies to lessen oversight or rigor, evade inquiries or sanctions or risk the inquiries or sanctions by its current accrediting agency. The Department is also satisfied that Florida Keys' membership in HLC would be voluntary as required by 34 C.F.R. § 602.14(a), subject to HLC's consideration of the same issue. The Department has determined there is reasonable cause for Florida Keys to change to HLC as its institutional accrediting agency.

² By including these statements, the Department does not intend to convey any conclusions by the Department about the quality of either HLC's or SACSCOC's accreditation standards or performance.

The College of the Florida Keys
(OPE ID: 00148500)
Page 6 of 6

III. NEXT STEPS

Once Florida Keys has secured accreditation or, preaccreditation by HLC, Florida Keys must use the electronic *Application for Approval to Participation in the Federal Student Financial Aid Programs* (E-App) at eligcert.ed.gov to notify the Department. Florida Keys must select the application purpose of “Update Information,” and further select the specific update purpose of “Accrediting Agency.” In Section B, Question 15, of the application, select the “Click here to add an accreditor” link. Click the drop-down menu to display the list of choices and select the listing that corresponds to The Higher Learning Commission. Then enter the year that Higher Learning Commission granted initial accreditation and indicate for how many years the accreditation is granted. Then place a check-mark in the primary accreditor box and Institution-wide Accreditor radio button. Additionally, submit The Higher Learning Commission’s approval letter as part of the supporting documentation provided to the Department through the E-App process. Please also submit a copy of this reasonable cause determination letter.

Note: An institution that is seeking to change accrediting agencies should not withdraw from its current accreditation until after the new agency has granted accreditation to the institution, and the Department has provided written notice that it acknowledges the new accrediting agency as the institution’s primary accrediting agency or the multiple accreditation. When an institution maintains multiple accreditation, an institution may not change its primary accrediting agency to a secondary agency, or withdraw from accreditation from the primary agency without submitting a request for a new reasonable cause determination regarding that change. Failure to comply with these procedures may result in the institution’s accreditation status not being recognized by the Secretary and could result in a loss of Title IV eligibility.

If you have any questions, please send your questions to kathy.feith@ed.gov.

Sincerely,



Christopher Miller
Division Chief

Southern Association of Colleges and Schools Commission on Colleges (SACSCOC)
The Higher Learning Commission (HLC)
Florida Department of Education, Division of Florida Colleges
osd.pentagon.ousd-p-r.mbx.vol-edu-compliance@mail.mil
Incoming.VBAVACO@va.gov
CFPB_ENF_Students@cfpb.gov